

IN THE COURT OF CRIMINAL APPEALS
AUSTIN, TEXAS

MARVIN RODRIGUEZ

§

V.

§

STATE OF TEXAS

§

§

§

FILED
COURT OF CRIMINAL APPEALS
2/24/2021
DEANA WILLIAMSON, CLERK
No. PD-1130-19

APPELLANT'S MOTION FOR LEAVE OF COURT TO FILE REPLY TO
STATE'S BRIEF ON THE MERITS

TO THE HONORABLE COURT OF APPEALS:

COMES NOW, Marvin Rodriguez, Appellant, by and through his attorney of record, and moves this Court to allow him leave to file a reply to the State's brief. The following allegations are made in support of this motion.

I.

The court below is the 396th District Court of Tarrant County. The style and number of the case was *State v. Rodriguez*, cause number 1432306D. Appellant was convicted of murder and sentenced to twenty years in prison. Appellant is incarcerated.

The Second Court of Appeals issued an opinion affirming the trial court's judgment. *See Rodriguez v. State*, No. 02-17-00371-CR (Tex. App.—Fort Worth Aug. 1, 2019). Appellant filed a motion for rehearing which was denied on September 26, 2019.

Appellant filed a petition for review in this Court on December 2, 2019. This Court granted Appellant's petition on November 4, 2020. Appellant filed his brief on December 28, 2020. The State filed its brief on January 27, 2021.

II.

Appellant wishes to reply to several arguments raised by the State. In particular, the State has made a preservation argument that it did not make in the Fort Worth Court of Appeals (or, indeed, at any time in this case). Appellant would like to respond to this argument.

WHEREFORE, PREMISES CONSIDERED, Appellant prays that the Court grant this request and grant leave to file his reply to the State's brief on the merits.

Respectfully submitted,

/s/ Jim Gibson
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CERTIFICATE OF SERVICE

A copy of this motion has been sent via electronic mail to the Postconviction unit of the Tarrant County Criminal District Attorney's Office and to the State Prosecuting Attorney on February 23, 2021.

/s/ Jim Gibson
Jim Gibson

Automated Certificate of eService

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Associated Case Party: Marvin Rodriguez

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